

EXHIBIT B

COURT COPY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

PROBATION OFFICER'S REPORT

REPORT SEQUENCE NO. 1

DEFENDANT'S NAME(S) JOSE AMBROSIO ESCALANTE				COURT NV-F	JUDGE SCHWAB	COURT CASE NO. PA004647 <i>clo</i>
ADDRESS (PRESENT/RELEASE) 9215 SEPULVEDA, NO. 38, SEPULVEDA, CA 91343				HEARING DATE 12-5-90	DEFENSE ATTY. P.D.	PROSECUTOR D.A.
BIRTHDATE 3-26-63	AGE 27	SEX MALE	RACE HISPANIC	DPO LEMON	AREA OFFICE ESFV	PHONE NO. 374-2054
CITIZENSHIP STATUS UNDOCUMENTED ALIEN		DRIVER'S LICENSE/EXP. DATE C5340135		TYPE REPORT <input checked="" type="checkbox"/> Probation and sentence <input type="checkbox"/> Pre-Conviction (131.3 CCP) <input type="checkbox"/> Post sentence <input type="checkbox"/> Diversion (Specify) _____		
PROBATION NO. X-211382	CII NO. A08735712	BOOKING NO. 2190024				
DAYS IN JAIL THIS CASE <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/> VERIFIED 70		CUSTODY STATUS/ XXXXXX DATE NCCF				

PRESENT OFFENSE: LEGAL HISTORY

CHARGED with the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

COUNT I: 245(A)(1) PC (ASSAULT GREAT BODILY INJURY WITH DEADLY WEAPON),
PLUS PC 12022.7.

COUNT II: 205 PC (AGGRAVATED MAYHEM)
PLUS PC 12022(B).

FILED
DEC 5 1990

CONVICTED of the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

N/A - PRE-PLEA

CONVICTED BY N/A	DATE OF CONVICTION 10-30-90	COUNT(S) CONTINUED TO P & S FOR DISPOSITION I AND II
PROPOSED PLEA AGREEMENT N/A		SOURCES OF INFORMATION D.A. FILE
DATE(S) OF OFFENSE 9-10-90		TIME(S) 4:20 A.M.
DEFENDANT: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> ON PROBATION <input type="checkbox"/> ON PAROLE-REMAINING TIME _____	<input type="checkbox"/> SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE _____ <input type="checkbox"/> PENDING PROBATION VIOLATION <input type="checkbox"/> PENDING NEW CASE	
(SEE PRIOR RECORD SECTION)	HOLD/WARRANTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

RECOMMENDATION:

☐ PROBATION ☒ DENIAL ☐ DIAGNOSTIC STUDY ☐ CYA ☐ OTHER _____

☐ COUNTY JAIL ☐ 707.2 WIC

☒ STATE PRISON ☐ 1203.03 PC

PRESENT OFFENSE:
(CONTINUED)SOURCES OF INFORMATION (this page)
D.A. FILE

ARREST DATE	TIME	BOOKED AS	OFFENSE	LOCATION OF ARREST	ARRESTING AGENCY
9-26-90	1100	ESCALANTE, JOSE AMBROSIO	187(A) PC (ATTEMPTED MURDER)	10250 ETIWANDA	LAPD

CO-DEFENDANT(S)	CASE NO.	DISPOSITION
N/A		

ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:

ON SEPTEMBER 10, 1990, AT APPROXIMATELY 4:20 A.M., VICTIM JAMES BROOKS GOT INTO AN ARGUMENT WITH THE DEFENDANT. THE DEFENDANT WANTED TO BORROW HIS CAR BUT THE VICTIM REFUSED. THE DEFENDANT AND SOME OF HIS FRIENDS STARTED HITTING AND KICKING THE VICTIM. WHILE THE VICTIM WAS DOWN, THE DEFENDANT STRUCK THE VICTIM IN THE EYE WITH A KNIFE PENETRATING THE BRAIN.

THE DEFENDANT WAS ARRESTED ON SEPTEMBER 26, 1990, WHILE IN CUSTODY ON ANOTHER MATTER.

VICTIM:

SOURCES OF INFORMATION (this page)
VICTIM

NAME	COUNT(S)		
JAMES BROOKS	I, II		
INJURY: PROPERTY LOSS (TYPE / COST / ETC.)			
PERMANENT LOSS OF SIGHT TO RIGHT EYE. FRONTAL LOBOTOMY PERFORMED. MEDICAL BILLS IN EXCESS OF \$177,000.			
INSURANCE COVERAGE			
NONE			
LOSS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ESTIMATED LOSS \$177,000	RESTITUTION ALREADY MADE NONE	APPLIED FOR VICTIM RESTITUTION FUND <input type="checkbox"/> UNK <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

VICTIM STATEMENT:

VICTIM BROOKS TOLD THE PROBATION OFFICER THAT ON THE NIGHT OF THE ATTACK, HIS GIRLFRIEND WAS ARGUING WITH THE DEFENDANT. MR. BROOKS SAYS THAT WHEN HE APPROACHED THE TWO, THE DEFENDANT PULLED A KNIFE AND THE VICTIM TRIED TO ESCAPE. WHEN HE SLIPPED IN THE MUD, THE DEFENDANT'S FRIENDS KICKED AND HIT VICTIM BROOKS AND THE DEFENDANT STABBED HIM IN THE RIGHT EYE. MR. BROOKS SAYS THAT HE BLACKED OUT AND DID NOT REMEMBER ANYTHING UNTIL APPROXIMATELY SIX DAYS LATER.

VICTIM BROOKS FURTHER STATED THAT HE USED TO BE A FRIEND OF THE DEFENDANT AND DID NOT UNDERSTAND THE UNPROVOKED ATTACK. HE WANTS THE DEFENDANT TO PAY FOR WHAT HE DID.

RESTITUTION	TOTAL NUMBER OF VICTIMS ONE	ESTIMATED LOSS TO ALL VICTIMS \$177,000	VICTIM(S) NOTIFIED OF P&S HEARING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 1191.3(B)
DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO.	

-3- (ESCALANTE)

VICTIM LIST CONTINUES NEXT PAGE

1 PRIOR RECORD:

SOURCES OF INFORMATION (this page)
 CLETS (9/28/90), PROBATION RECORDS.

3 AKA'S: JOSE AMBROSIO ESCALANTE, DAVID BETANCUR, JUAN CARLOS GONZALES,
 4 JUAN CARLOS ESCALANTE

5 JUVENILE HISTORY:

6 NONE.

7 INFORMATION IS NOT AVAILABLE THROUGH PROBATION DEPARTMENT
 8 INQUIRY FIVE YEARS AFTER JUVENILE PROBATION ACTIVITY IS TERMINATED,
 9 AND DEFENDANT ADMITS NO RECORD.

10 ADULT HISTORY:

11 3/16/88 LAPD - 11352 H&S (TRANSPORT/SALES NARCOTIC CONTROLLED
 12 SUBSTANCE). 6/21/88 CASE #A820178, VAN NUYS SUPERIOR
 13 COURT, CONVICTED OF SAME, A FELONY. SENTENCED TO
 36 MONTHS PROBATION, 180 DAYS COUNTY JAIL. 3/9/90,
 14 PROBATION REVOKED BENCH WARRANT ISSUED.

15 (DEFENDANT SAYS THAT HE SOLD TWENTY DOLLARS WORTH OF COCAINE
 16 TO AN UNDERCOVER POLICE OFFICER.)

17 9/16/89 LAPD - 12021(A) PC (FELON/ADDICT/ETC. POSSESS FIREARM).
 18 9/19/89, CASE #89F10367, SAN FERNANDO MUNI COURT,
 19 CONVICTED OF A MISDEMEANOR.

20 (THE DEFENDANT DENIES THAT HE WAS ARRESTED FOR BEING IN POSSESSION
 21 OF A FIREARM.)

22 9-14-90 LAPD - 11352 H&S (SALE OF A CONTROLLED SUBSTANCE).
 23 10-11-90 CASE NUMBER LA005012, CALLED FOR A PRE-
 24 PRE-CONVICTION HEARING, DEPARTMENT NORTHWEST-S. CASE
 25 CONTINUED TO 12-7-90 FOR TRIAL.

26 (ACCORDING TO PROBATION RECORDS, THE DEFENDANT WAS ARRESTED FOR
 27 SELLING \$30 WORTH OF ROCK COCAINE TO UNDERCOVER OFFICERS.)

28
 29
 9-14-90.

-4- (ESCALANTE)

1 PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)
DEFENDANT

3 SUBSTANCE ABUSE:

4 _____ No record, indication, or admission of alcohol or controlled substance abuse.

5 _____ Occasional social or experimental use of _____ acknowledged.

6 X See below: Indication / admission of significant substance abuse problem.7 Referred to Narcotic Evaluator ☐ Yes ☒ No

_____ Narcotic Evaluator's report attached

8 Additional information

9 THE DEFENDANT SAYS THAT HE HAS BEEN SMOKING ROCK COCAINE
10 ON A WEEKLY BASIS FOR THE LAST TWO YEARS. HE SAYS THAT FROM THE
11 AGE OF 23 TO ABOUT THE AGE OF 25, HE SMOKED MARIJUANA SEVERAL TIMES
12 ~~—~~ A WEEK ON A REGULAR BASIS. CURRENTLY, THE DEFENDANT SAYS HE DRINKS
13 TWO TO THREE BEERS A DAY AND A SIX-PACK OF BEER ON THE WEEKEND.
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26 PHYSICAL / MENTAL / EMOTIONAL HEALTH:

27 X No indication or claim of significant physical/mental/emotional health problem.28 _____ See below: Indication / claim of significant physical/mental/emotional health problem.
29

PERSONAL HISTORY:
(CONTINUED)

SOURCES OF INFORMATION (this page)

DEFENDANT

RESIDENCE	TYPE RESIDENCE APARTMENT	LENGTH OF OCCUPANCY 3 MONTHS	XXXXXX /RENT \$125 MO.	RESIDES WITH/RELATIONSHIP FRIEND
RESIDENTIAL STABILITY LAST FIVE YEARS FAIR		CAME TO STATE / FROM HONDURAS/1984		CAME TO COUNTY / FROM HONDURAS/1984

Additional information

MARRIAGE / PARENTHOOD	MARITAL STATUS SINGLE	NAME OF SPOUSE / PRESENT COHABITANT
LENGTH OF UNION	NO. OF CHILDREN THIS UNION	SUPPORTED BY
NO. PRIOR XXXXXX COHABITATIONS ONE	NO. OF CHILDREN THESE UNIONS ONE	SUPPORTED BY CHILD'S MOTHER
NO. OF OTHER CHILDREN	SUPPORTED BY	

Additional information

FORMAL EDUCATION:

THE DEFENDANT HAS A HIGH SCHOOL EDUCATION AND CLAIMS HE COMPLETED ONE YEAR AT A JUNIOR COLLEGE IN THE LOS ANGELES AREA.

1 **PERSONAL HISTORY:**
2 (CONTINUED)

SOURCES OF INFORMATION (this page)

DEFENDANT

EMPLOYMENT STATUS	<input type="checkbox"/> EMPLOYED	REFERRED TO WORK FURLOUGH	EMPLOYER AWARE OF PRESENT OFFENSE	
	<input checked="" type="checkbox"/> UNEMPLOYED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO
PRESENT/LAST EMPLOYER / ADDRESS / PHONE		OCCUPATION	PERIOD OF EMPLOYMENT	GROSS MONTHLY WAGE
N/A				
<input type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS	TYPES OF PREVIOUS EMPLOYMENT	
		UNABLE TO VERIFY	CONSTRUCTION, POOL CLEANING	

3
4
5
6
7
8 Additional information

9 THE DEFENDANT SAYS HE SUPPORTS HIMSELF THROUGH DAY WORK
10 EITHER IN CONSTRUCTION OR POOL CLEANING. HE MAKES ABOUT \$50 TO \$60
11 A DAY WHEN WORK IS AVAILABLE.
12
13

FINANCIAL STATUS	INCOME STABILITY POOR	NET MONTHLY INCOME N/A	
PRIMARY INCOME SOURCE	SECONDARY INCOME SOURCE(S)	EST. TOTAL ASSETS	EST. TOTAL LIABILITIES
MAJOR ASSETS / ESTIMATED VALUE			
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY)			

24 Additional information

25
26
27
28
29 GANG ACTIVITY ☐ YES ☒ NO

Name of Gang _____

-7- (ESCALANTE)

1 DEFENDANT'S STATEMENT:

2 DEFENDANT CHOSE NOT TO MAKE A STATEMENT TO THE
3 PROBATION OFFICER REGARDING THE PRESENT OFFENSE.

4 INTERESTED PARTIES:

5 DR. BENEDON, WHO WAS ON DUTY IN THE EMERGENCY
6 ROOM AT HOLY CROSS HOSPITAL, THE NIGHT VICTIM BROOKS WAS
7 INITIALLY TREATED, HAD THE FOLLOWING TO SAY:

8 DR. BENEDON REPORTS THAT VICTIM BROOKS SUSTAINED
9 A RATHER SEVERE AND COMPLICATED INJURY. HE SAYS THE VICTIM WAS
10 STABBED WITH ENOUGH FORCE TO CAUSE TRAUMA TO THE EYE AND THE
11 BRAIN, RESULTING IN BOTH LOSS OF EYESIGHT AND PERMANENT BRAIN
12 DAMAGE.

13 PROBATION OFFICER SENT A FORM LETTER TO THE
14 IMMIGRATION AND NATURALIZATION SERVICE ADVISING THEM OF THE
15 DEFENDANT'S STATUS.

16 EVALUATION:

17 THE DEFENDANT'S BEHAVIOR IN THE PRESENT MATTER
18 CAN ONLY BE DESCRIBED AS EXTREMELY VIOLENT AND SUB-HUMAN. IT
19 SEEMS HE WAS NOT CONTENT WITH SIMPLY STABBING THE VICTIM, RATHER
20 THE DEFENDANT WAS INTENT UPON DOING HIM SERIOUS HARM.
21 UNFORTUNATELY FOR THE VICTIM, THE DEFENDANT SUCCEEDED IN MAIMING
22 HIM FOR LIFE. THERE IS ABSOLUTELY NOTHING ABOUT THIS MATTER
23 THAT JUSTIFIES SUCH A BRUTAL ATTACK.

1 GIVEN THE EXTREME GRAVITY OF THE OFFENSE, THE
2 DEFENDANT IS NEITHER ELIGIBLE NOR IS HE VIEWED AS SUITABLE FOR
3 PROBATION OF ANY KIND. IF THE DEFENDANT IS IN FACT CONVICTED
4 OF THE CRIMES IN THIS MATTER, A COMMITMENT TO STATE PRISON IS
5 CLEARLY WARRANTED IN THE MATTER.

6 SENTENCING CONSIDERATIONS:

7 THE DEFENDANT IS INELIGIBLE FOR PROBATION.

8 CIRCUMSTANCES IN AGGRAVATION:

- 9 1. THE VICTIM WAS PARTICULARLY VULNERABLE.
- 10 2. THE DEFENDANT INDUCED OTHERS TO PARTICIPATE
11 IN THE COMMISSION OF THE CRIME AND OCCUPIED
12 A POSITION OF LEADERSHIP OF OTHER
13 PARTICIPANTS IN THE COMMISSION.
- 14 3. THE DEFENDANT'S PRIOR PERFORMANCE ON
15 PROBATION WAS UNSATISFACTORY.

16 CIRCUMSTANCES IN MITIGATION:

17 NONE.

18 GIVEN THE WEIGHT OF THE AGGRAVATING CIRCUMSTANCES,
19 AS WELL AS THE PERMANENT BODILY INJURY SUSTAINED BY THE VICTIM,
20 A COMMITMENT TO STATE PRISON FOR THE LENGTHIEST TERM ALLOWABLE
21 BY LAW, IS CLEARLY WARRANTED IF THE DEFENDANT IS CONVICTED OF
22 THE CHARGES.

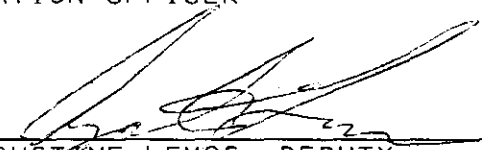
23 RECOMMENDATION:

IF CONVICTED, IT IS RECOMMENDED THAT PROBATION BE

1 DENIED AND THAT THE DEFENDANT BE SENTENCED TO STATE PRISON WITH
2 PRE-IMPRISONMENT CREDIT OF 70 DAYS; THAT THE COURT ORDER THE
3 DEFENDANT TO PAY A RESTITUTION FINE OF \$100 AS PROVIDED IN
4 SUBDIVISION (A) OF SECTION 13967 OF THE GOVERNMENT CODE.

5 RESPECTFULLY SUBMITTED,

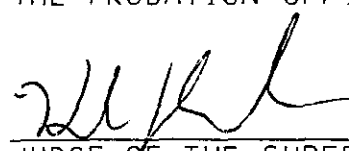
6 BARRY J. NIDORF,
7 PROBATION OFFICER

8
9 BY 
10 AUGUSTINE LEMOS, DEPUTY
11 EAST SAN FERNANDO VALLEY AREA OFFICE
12 374-2054

13 READ AND APPROVED:

14 BY 
15 ART KEENER, SDPO

I HAVE READ AND CONSIDERED
THE FOREGOING REPORT OF
THE PROBATION OFFICER


JUDGE OF THE SUPERIOR COURT

16 (SUBMITTED: 11-27-90)
17 (TYPED: 11-29-90)
18 AL:RH (6)

19 IF PROBATION IS GRANTED, IT IS RECOMMENDED THAT
20 THE COURT DETERMINE DEFENDANT'S ABILITY TO PAY COST OF PROBATION
21 SERVICES PURSUANT TO SECTION 1203.1B PENAL CODE. COST OF
22 PRESENTENCE INVESTIGATION AND PRESENTENCE REPORT - \$412.00. COST
23 OF SUPERVISION - \$28.00 PER MONTH.